

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Hector Ortiz

v.

Civil No. 12-cv-372-JL

Richard M. Gerry, Warden,  
New Hampshire State Prison

REPORT AND RECOMMENDATION

Before the court is pro se petitioner Hector Ortiz's motion to amend the § 2254 petition to drop unexhausted claims (doc. no. 16). Ortiz's motion (doc. no. 16) should be GRANTED, thereby amending the § 2254 petition to include only the following claim:

The Superior Court's procedure of sentencing Ortiz, then calling him back for resentencing after the case was closed, violated Ortiz's right to due process under the Fourteenth Amendment.

Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the specified time waives the right to appeal the district court's order. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (only issues fairly raised by objections to magistrate judge's report are subject to review by

district court; issues not preserved by such objection are precluded on appeal).

  
Andrea K. Johnstone  
United States Magistrate Judge

July 7, 2014

cc: Hector Ortiz, pro se